

ESTTA Tracking number: **ESTTA291213**

Filing date: **06/22/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91178927
Party	Plaintiff Royal Crown Company, Inc.
Correspondence Address	Barbara A. Solomon Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES lpopp-rosenberg@fzllz.com,bsolomon@fzllz.com
Submission	Other Motions/Papers
Filer's Name	Laura Popp-Rosenberg
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Signature	/Laura Popp-Rosenberg/
Date	06/22/2009
Attachments	Consented Motion to Dismiss (F0474915).PDF (3 pages)(55752 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----X	:	
ROYAL CROWN COMPANY, INC.,	:	<u>Consolidated Proceedings</u>
	:	Opposition No. 91178927
Opposer,	:	Opposition No. 91180771
	:	Opposition No. 91180772
- against -	:	Opposition No. 91183482
	:	Opposition No. 91185755
THE COCA-COLA COMPANY,	:	Opposition No. 91186579
	:	Opposition No. 91189847
Applicant.	:	Opposition No. 91190658
-----X		

—and—

-----X	:	
THE COCA-COLA COMPANY,	:	
	:	
Applicant,	:	
	:	
- against -	:	Opposition No. 91184434
	:	
ROYAL CROWN COMPANY, INC.,	:	
	:	
Opposer.	:	
-----X		

CONSENTED MOTION TO DISMISS WITHOUT PREJUDICE

Royal Crown Company, Inc., with the consent of The Coca-Cola Company, hereby moves to dismiss the following causes of action without prejudice:

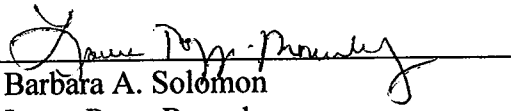
(a) Count Two – Fraud, paragraphs 22 through 30, in Opposition No. 91178927 (COCA-COLA ZERO);

(b) Count Two – Fraud, paragraphs 24 through 32, in Opposition No. 91180771 (SPRITE ZERO); and

(c) Count Two – Fraud, paragraphs 23 through 31, in Opposition No. 91180772 (COKE ZERO).

Dated: New York, New York
June 22, 2009

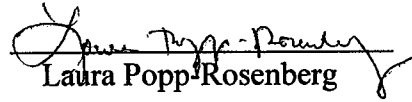
FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 
Barbara A. Solomon
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Attorneys for Royal Crown Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of **CONSENTED MOTION TO DISMISS WITHOUT PREJUDICE** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for The Coca-Cola Company, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 22nd day of June, 2009.


Laura Popp-Rosenberg